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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,005	09/12/2001	Robert W. Baynes JR.	1933.0050001	9238
26111	7590	10/04/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/950,005	BAYNES ET AL.
	Examiner Kristie Shingles	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 May 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16, 18, 20-26 and 28-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16, 18, 20-26 and 28-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Response to Amendment*

*Applicant has amended claims 1, 2, 4-14, 16, 18 and 21.*

*Claims 17, 19 and 27 are cancelled.*

*Claims 38-30 are new.*

*Claims 1-16, 18, 20-26 and 28-30 are pending.*

### *35 USC § 112 Rejection*

1. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

2. **Claims 2-13** are rejected under 35 U.S.C. 112, fourth paragraph, as these claims do not incorporate all the limitations of the claims to which they refer, as stated in the previous Office action. As an example, claim 1 states, “comprising one or more [emphasis added] of steps (a)-(c)”. This is in contradiction with claim 2, which states, “wherein step (3a) comprises the steps of”; wherein according to the language of claim 1, claim 1 could comprise only step (3b) which would therefore render any subsequent claims referencing steps (3a) or (3c) indefinite. Appropriate correction is therefore required.

### *Claim Objections*

3. **Claims 7-13** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim—specifically, these claims fail

to further limit steps (3a), (3b) and (3c) of independent claim 1. Applicant is therefore required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.

4. **Claim 6** is objected to because of the following informalities: “3c” in line 1 of the claim language should be “step (3c)” for consistency in the nomenclature used in the independent claim. Appropriate correction is required.

In order to expedite a comprehensive examination of the instant application, the claims rejected under 35 U.S.C. 112 above, are further rejected as set forth below in anticipation of applicant amending these claims to place in admissible dependent or independent form.

#### *Response to Arguments*

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-16, 18, 20-26 and 28-30** are rejected under 35 U.S.C. 102(b) as being anticipated by *Reed et al* (USPN 5, 862,325).

a. **Per claim 1, Reed et al** teach a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (col.37 lines 35-41);
- (2) maintaining state information on behalf of the entity (col.24 line 53-col.25 line 52, col.15 line 63-col.16 line 14); and
- (3) delivering said data object to the entity in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49), comprising one or more steps (a)-(c):
  - (a) pushing said data object to the entity (col.12 lines 49-51, col.28 lines 25-37);
  - (b) transferring said data object to the entity during a sync operation (col.12 lines 49-51 and col.91 lines 3-7); and
  - (c) transferring said data object to the entity in response to a request from said entity while said entity is surfing (col.12 lines 58-64).

b. **Per claim 14, Reed et al** teach a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (col.37 lines 35-41);
- (2) maintaining state information on behalf of the entity (col.24 line 53-col.25 line 52, col.15 line 63-col.16 line 14); and
- (3) delivering said data object to the entity in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49), comprising the step of pushing said data object to the entity (col.12 lines 49-51).

c. **Per claim 16, Reed et al** teach a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (col.37 lines 35-41);

(2) delivering said data object to the entity, comprising the step of transferring said data object to the entity during a sync operation (col.12 lines 49-51, col.91 lines 3-7),

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said entity (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (ii) receiving said information from said providers, wherein said information comprises said data object (col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (iii) sending said information to said entity in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

d. **Per claim 18, Reed et al** teach a method for delivering information to an entity,

comprising the steps of:

- (1) identifying a data object to be delivered to the entity (col.37 lines 35-41);
- (2) delivering said data object to the entity, comprising the step of transferring said data object to the entity in response to a request from said entity while said entity is surfing (col.12 lines 58-64),

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said entity (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (ii) receiving said information from said providers, wherein said information comprises said data object (col.38 line 35-col.39 line 67, col.144 lines 41-49);
- (iii) sending said information to said entity in a form consistent with the maintained state information (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

e. **Per claim 21, Reed et al** teach a method for delivering information to an entity, comprising the steps of:

- (1) generating one or more modification events representative of a modification made to a data object (col.37 lines 35-41);
- (2) maintaining state information on behalf of the entity (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.144 lines 41-49); and
- (3) forwarding said modification events to an entity identified as a recipient of said modification events, wherein said modification events are forwarded in a form consistent with the maintained state information, wherein said entity processes said modification events (col.15 line 63-col.16 line 14, col.38 line 35-col.39 line 67, col.144 lines 41-49).

f. **Per claim 30, Reed et al** teach a computer system for delivering information to an entity, comprising:

- a storage configured to store received state information related to the entity (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.38 line 35-col.39 line 67, col.144 lines 41-49);
- a processor configured to identify a data object to be delivered to an entity in a form consistent with said state information (col.24 line 53-col.25 line 52, col.37 lines 35-41, col.38 line 35-col.39 line 67, col.144 lines 41-49);
- and a communications interface configured to deliver said data object to the entity comprising: means for pushing said data object (col.12 lines 49-51), means for transferring said data object to the entity during a sync operation (col.12 lines 49-51, col.91 lines 3-7), and means for transferring said data object to the entity in response to a request from said entity while said entity is surfing (col.12 lines 58-64).

g. **Per claim 15, Reed et al** teach the method of claim 14, wherein step (2) comprises the steps of: (i) creating a modification event representative of said data object (col.37 lines 35-41); and (ii) sending said modification event to said entity (col.12 lines 49-51).

h. **Per claim 20, *Reed et al*** teach the method of claim 18, wherein step (2) comprises the steps of: (i) identifying one or more modification events representative of said data object, wherein said data object is associated with a said request from said entity while said entity is surfing (col.26 lines 53-56); and (ii) sending said modification events to said entity (col.39 lines 4-14).

i. **Per claim 22, *Reed et al*** teach the method of claim 21, wherein said data object is stored at said entity, and wherein said entity processes said modification events so as to update said data object (col.37 line 63-col.38 line 12, col.39 lines 4-36).

j. **Per claim 23, *Reed et al*** teach the method of claim 21, wherein step (2) is performed during a push operation (col.12 lines 49-51, col.17 lines 39-42, col.28 lines 25-37).

k. **Per claim 24, *Reed et al*** teach the method of claim 21, wherein step (2) is performed during a sync operation (col.12 lines 49-51, col.91 lines 3-7 and 27-57).

l. **Per claim 25, *Reed et al*** teach the method of claim 21, wherein step (2) is performed during a surf operation (col.12 lines 58-64, col.26 line 53-col.27 line 9).

m. **Per claim 26, *Reed et al*** teach the method of claim 21, wherein step (2) is performed during at least one of a push operation, a sync operation, and a surf operation (col.12 lines 49-51).

n. **Per claim 28, *Reed et al*** teach the method of claim 1, wherein step (3) comprises: using the maintained state information to determine whether said data object has been previously delivered to the entity (col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.30 lines 9-62, col.144 lines 41-49).

o. **Per claim 29, *Reed et al*** teach the method of claim 21, wherein step (3) comprises: using the maintained state information to determine whether said one or more modification events have been previously delivered to the entity (col.37 line 63-col.38 line 12, col.39 lines 4-36).

p. **Per claim 2, *Reed et al*** teach the method of claim 1, wherein step (3a) is performed and steps (3b) and (3c) are not performed, wherein step (3a) comprises the steps of: (i) creating a modification event representative of said data object (col.23 lines 42-46); and (ii) sending said modification event to said entity (col.39 lines 4-13).

q. **Per claim 3, *Reed et al*** teach the method of claim 2, wherein said entity processes said modification event (col.39 lines 13-17).

r. **Per claim 4, *Reed et al*** teach the method of claim 1, wherein step (3b) is performed and steps (3a) and (3c) are not performed, wherein step (3b) comprises the steps of: (i) accessing providers for information using state information maintained on behalf of said entity (col.15 lines 1-7); (ii) receiving said information from said providers, wherein said information comprises said data object (col.15 lines 7-11 and col.37 lines 171--18); and (iii) sending said information to said entity (col.15 lines 11-19).

s. **Per claim 5, *Reed et al*** teach the method of claim 1, wherein step 3c is performed and steps (3a) and (3b) are not performed, wherein step 3c comprises the steps of: (i) identifying one or more modification events representative of said data object, wherein said data object is associated with a said request from said entity while said entity is surfing (col.26 lines 53-56); and (ii) sending said modification events to said entity (col.39 lines 4-13).

t. **Per claim 6, Reed et al** teach the method of claim 1, wherein 3c comprises the steps of: (i) accessing providers for information based on said request from said entity while said entity is surfing (col.15 lines 1-7); (ii) receiving said information from said providers, wherein said information comprises said data object (col.15 lines 7-11, col.37 lines 17-18); and (iii) sending said information to said entity (col.15 lines 11-19).

u. **Per claim 7, Reed et al** teach the method of claim 1, wherein step (3a) is performed and steps (3b) and (3c) are not performed (col.12 lines 49-51).

v. **Per claim 8, Reed et al** teach the method of claim 1, wherein step (3b) is performed and steps (3a) and (3c) are not performed (col.12 lines 49-51, col.91 lines 3-7).

w. **Per claim 9, Reed et al** teach the method of claim 1, wherein step 3c is performed and steps (3a) and (3b) are not performed (col.12 lines 58-64).

x. **Per claim 10, Reed et al** teach the method of claim 1, wherein steps (3a) and (3b) are performed and step (3c) is not performed (col.12 lines 49-51, col.91 lines 3-7).

y. **Per claim 11, Reed et al** teach the method of claim 1, wherein steps (3a) and 3c are performed and step (3b) is not performed (col.12 lines 49-51, col.12 lines 58-64).

z. **Per claim 12, Reed et al** teach the method of claim 1, wherein steps (3b) and 3c are performed and step (3a) is not performed (col.12 lines 49-51, col.12 lines 58-64, col.91 lines 3-7).

aa. **Per claim 13, Reed et al** teach the method of claim 1, wherein steps (3a), (3b), and (3c) are performed (col.12 lines 49-51, col.12 lines 58-64, col.91 lines 58-64).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Abe* (USPN 6,345,308), *Carini et al* (USPN 6,636,873), *Mastrianni et al* (USPN 6,615,276), *Ims et al* (USPN 6,505,200), *Huang et al* (USPN 6,477,543).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

*kds*



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER